



STATE OF CONNECTICUT

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To: Senate Co-Chair Marilyn V. Moore
House Co-Chair Catherine F. Abercrombie
Senate Ranking Member Eric C. Berthel
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Honorable Members of the Human Services Committee

From: Beverly K. Streit-Kefalas
Probate Court Administrator

Re: Senate Bill No. 199, An Act Concerning The Opening Or Setting Aside Of A Parentage Judgment

Date: March 8, 2022

Thank you for the opportunity to testify on Senate Bill No. 199, An Act Concerning The Opening Or Setting Aside Of A Parentage Judgment.

The Office of the Probate Court Administrator takes no position on section 1 of the proposed bill that sets forth the repeal of section 46b-171 and language substituted therein. That section addresses proceedings in the Superior Court where the petitioner is the birth parent and the alleged genetic parent may consent or defend the claim of parentage.

We oppose section 2 of the proposed bill with the language as presented.

We are supportive of standards to open or set aside a judgment of parentage that adopts an analysis of the best interest of a child. However, the language as proposed in S.B. No. 199 to amend section 46b-172a will conflict with two statutory provisions. The first conflict is with the provisions of Conn. Gen. Stat. section 45a-128 that provides for reconsideration, modification or revocation of a Probate Court order or decree under limited circumstances within one hundred twenty days after the date of the order or decree. The circumstances are limited to: 1) when all parties consent, or 2) for failure to provide legal notice to a party entitled to notice under the law, or 3) to correct a scrivener's or clerical error, or 4) upon discovery or identification of parties in interest unknown to the court at the time of the order or decree. It also provides that such a motion or application must be filed within 120 days compared to the proposed language herein setting forth a four-month time frame.

Secondly, in the probate proceedings under section 46b-172a, the claim for parentage is brought by the alleged genetic parent where the birth parent is the respondent. Conversely in the Superior Court, the claim for parentage under section 46b-171 is filed by the birth parent where the alleged genetic parent is the one defending the claim. As set forth in Conn. Gen. Stat. section 46b-172a, the alleged genetic parent as the claimant is estopped from denying parentage and such person acknowledges liability for contribution to the support and education of the child, amongst other obligations.

The proposed language in S.B. No.199 raises a conflict between the estoppel provisions set forth in subsection (a) of Conn. Gen. Stat. section 46b-172a by then allowing both the alleged genetic parent and the birth parent to seek to set aside or open the judgment of parentage asserting mistake, accident or other reasonable cause. In the probate petition, it is the birth parent who may have a defense to the claim of parentage but the proposed language allows for both the claimant and the respondent birth parent to seek to open or set aside the judgment.

For this reason, the Office of the Probate Court Administrator recommends a revision to address these statutory conflicts, and would be pleased to work with the committee on suggested language.